

**Appl. No.** : 09/499,949  
**Filed** : February 8, 2000

### **REMARKS**

In the Office Action mailed March 29, 2004 (Paper No. 3), the Examiner rejected pending Claims 1-14 under 35 USC §101 as claiming the same invention as Claims 1-14 of co-pending Application No. 09/473,175. The Examiner further rejected Claims 1-4 under the judicially created doctrine of obviousness-type double patenting in view of U.S. Patent No. 6,052,147 and further rejected Claims 5, 6 and 11 under the same obviousness-type double patenting doctrine. The Examiner did, however, indicate that the subject matter of Claims 7-10, 13 and 14 would be allowable. By this paper, the Applicant has cancelled Claims 1-6, 11 and 12 and has amended Claims 7 and 13 so as to incorporate the subject matter of Claim 1 and 11 and the intervening claims. Consequently, the Applicant believes that Claims 7 and 13 are allowable over the art of record.

With respect to the §101 statutory double patenting rejection, the Applicant intends to abandon the co-pending Application 09/473,175 by not responding to the pending office action in that particular case. As a consequence, the Applicant believes that the provisional §101 double patenting rejection will ultimately be overcome.

Based upon the foregoing, the Applicant believes that the above-captioned application is now in condition for allowance and requests the prompt allowance of the same. Should there be any impediment to the prompt allowance of this application that could be resolved by a telephone conference, the Examiner is respectfully requested to call the undersigned at the number shown below.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 6/29/04

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